Commission on the Limits of the Continental Shelf

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New York, 29 January–16 March 2018

Progress of work in the Commission on the Limits of the Continental Shelf

Statement by the Chair

Summary

The present statement provides information on the work carried out by the Commission on the Limits of the Continental Shelf and its subcommissions during its forty-sixth session. In particular, the statement contains an overview of the progress made in the examination of the submissions made by the Russian Federation in respect of the Arctic Ocean (partial revised submission); Brazil in respect of the Brazilian Southern Region (partial revised submission); France and South Africa, jointly, in respect of the area of the Crozet Archipelago and the Prince Edward Islands; Kenya; Nigeria; Seychelles in respect of the Northern Plateau Region; France in respect of Reunion and the Saint-Paul and Amsterdam islands; Côte d'Ivoire; Sri Lanka; Portugal; and Tonga in respect of the eastern part of the Kermadec Ridge. The statement also contains information about presentations made to the Commission regarding submissions made by Brazil in respect of the Brazilian equatorial margin (partial revised submission); Palau in respect of the North Area (partial amended submission); Canada in respect of the Atlantic Ocean; and Oman. In addition, it provides information on other issues dealt with by the Commission during the session.

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1. Pursuant to the decision adopted at its forty-fourth session (see CLCS/100, para. 91), as endorsed by the General Assembly in its resolution 72/73 (para. 102), the Commission on the Limits of the Continental Shelf held its forty-sixth session at United Nations Headquarters from 29 January to 16 March 2018. The plenary parts of the session were held from 5 to 9 February and from 5 to 9 March 2018. The other parts of the session were devoted to the technical examination of submissions by the respective subcommissions and were held at the geographic information system laboratories of the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs of the Secretariat.

2. The following members of the Commission attended the session: Adnan Rashid Nasser al-Azri, Lawrence Folajimi Awosika, Aldino Campos, Wanda-Lee De Landro-Clarke, Martin Vang Heinesen, Emmanuel Kalngui, Wenzheng Lyu, Mazlan bin Madon, Estevão Stefane Mahanjane, Jair Alberto Ribas Marques, Marcin Mazurowski, Domingos de Carvalho Viana Moreira, David Cole Mosher, Simon Njuguna, Yong Ahn Park, Carlos Marcelo Paterlini, Clodette Raharimananirina, Toshitsugu Yamazaki and Gonzalo Alejandro Yáñez Carrizo.[1]

3. The Commission had before it the following documents and communications:

(a) Provisional agenda (CLCS/L.44);

(b) Statement by the Chair on the progress of work in the Commission at its forty-fifth session (CLCS/101);

(c) Report of the twenty-seventh meeting of the Meeting of States Parties to the United Nations Convention on the Law of the Sea (SPLOS/316);

(d) Submissions made by coastal States[2] pursuant to article 76, paragraph 8, of the United Nations Convention on the Law of the Sea (the Convention);

(e) General Assembly resolution 72/73 on oceans and the law of the sea;

(f) Relevant communications from States parties to the Convention and States Members of the United Nations, including Papua New Guinea (27 November 2017), Japan (12 January 2018), Kenya (2 November 2017), Norway (10 January 2018), South Africa (22 January 2018) and Seychelles (22 December 2017 and 25 January 2018).

Item 1
Opening of the forty-sixth session

4. The Chair of the Commission, Mr. Park, opened the forty-sixth session of the Commission.

Statement by the Under-Secretary-General for Legal Affairs

5. The Under-Secretary-General for Legal Affairs and United Nations Legal Counsel made a statement. He called attention to the workload of the Commission and efforts to improve the conditions of service of its members. Noting that the effective functioning of the Commission depended on its full membership, he stressed the need to fill the remaining seat in the Commission allocated to the Eastern European Group of States. He also stressed the importance of confidentiality for the

[1] For health-related reasons, Ivan F. Glumov did not attend the session. Mr. Kalngui attended the session from 29 January to 6 February 2018, and Mr. Heinesen attended the session on 29 and 30 January and from 5 February to 16 March 2018. For administrative reasons, Ms. De Landro-Clarke attended the session from 1 February to 16 March 2018.

[2] For a full list of the submissions made to the Commission, see www.un.org/Depts/los/clcs_new/commission_submissions.htm.

work and reputation of the Commission and the need for it to thoroughly investigate any allegations relating to breach of confidentiality for reporting to the Meeting of States Parties to the Convention. In addition, he noted the intense level of work undertaken by the members of the Commission since the election held at the twenty-seventh meeting of the Meeting of States Parties in June 2017. He also reaffirmed the continued support of the Office of Legal Affairs, through its Division for Ocean Affairs and the Law of the Sea, to the Commission.

Item 2
Adoption of the agenda

6. The Commission considered the provisional agenda (CLCS/L.44) and adopted it, with amendments (CLCS/102).[3]

Item 3
Organization of work

7. The Commission approved its programme of work and the schedule for deliberations, as outlined by the Chair.

Item 4
Workload of the Commission

8. Following a review of the survey to assess the working conditions of the Commission in its present composition with a view to identifying appropriate solutions to pending issues (see SPLOS/316, para. 69), the Commission requested the Chair to reflect the conclusions of that survey in his letter to the President of the twenty-eighth meeting of the Meeting of States Parties to the Convention (to be issued as SPLOS/319).

9. The Commission acknowledged the continued attention given to the conditions of service of its members by States Parties, including through its Open-ended Working Group on the Conditions of Service of the Members of the Commission, by the General Assembly and by the Secretariat.

Item 5
Consideration of the partial revised submission made by the Russian Federation in respect of the Arctic Ocean[4]

Report of the subcommission

10. The Chair of the subcommission, Mr. Madon, reported on the progress of its work since the forty-fifth session of the Commission. The subcommission had met from 12 to 23 February 2018, during which time it had continued the main scientific and technical examination of the submission.[5]

[3] The Bahamas indicated its preference to make a presentation of its submission at a future session, on the understanding that the deferral would not affect the position of its submission in the queue.

[4] Submission made on 3 August 2015, see www.un.org/depts/los/clcs_new/submissions_files/submission_rus_rev1.htm.

[5] For information on the modus operandi established for the consideration of a submission made to the Commission on the Limits of the Continental Shelf, see annex III to the rules of procedure of the Commission (CLCS/40/Rev.1).

11. The subcommission held two meetings with the delegation, headed by the Minister of Natural Resources and Environment of the Russian Federation, Sergei E. Donskoi, during which the delegation made several presentations in response to questions posed by the subcommission at the forty-fifth session. The subcommission made a presentation on the progress of its work to date and posed some additional questions. The delegation indicated that, at the forty-seventh session, it would make a presentation in response to the presentation made by the subcommission.

12. The Chair of the subcommission also reported on certain substantive matters concerning the submission. During the ensuing discussion, members of the Commission provided feedback and the subcommission responded to questions.

13. The subcommission decided that its members would continue to work individually on the submission during the intersessional period, and that it would resume its consideration of the submission, which would include meetings with the delegation, at the forty-seventh session.

14. The meetings of the subcommission during the forty-seventh session will be held from 13 to 17 August 2018.

Item 6
Consideration of the partial revised submission made by Brazil in respect of the Brazilian Southern Region[6]

Report of the subcommission

15. The Chair of the subcommission, Mr. Awosika, reported on the progress of its work since the forty-fifth session, noting that the subcommission had met from 26 February to 2 March and from 12 to 16 March 2018. During that period, it had continued the main scientific and technical examination of the submission.

16. The subcommission held four meetings with the delegation, during which the delegation made two presentations in response to questions posed by the subcommission at the forty-fifth and forty-sixth sessions. The subcommission made two presentations on the progress of its consideration.

17. The Chair of the subcommission also reported on certain substantive matters concerning the submission. During the ensuing discussion, members of the Commission provided feedback and the subcommission responded to questions.

18. The subcommission decided that it would resume its consideration of the submission at the forty-seventh session.

19. The Commission decided that the subcommission would meet during the forty-seventh session, from 30 July to 3 August and from 20 to 24 August 2018.

Item 7
Consideration of the submission made by Norway in respect of Bouvetøya and Dronning Maud Land[7]

Consideration of draft recommendations

20. The Chair of the Commission recalled that, at its forty-fourth session, the Commission had decided to accommodate a request made by Norway, in view of the

[6] Submission made on 10 April 2015; see www.un.org/Depts/los/clcs_new/submissions_files/submission_bra_rev.htm.

[7] Submission made on 4 May 2009; see www.un.org/Depts/los/clcs_new/submissions_files/submission_nor_30_2009.htm.

election of new members of the Commission, to repeat its presentation made pursuant to paragraph 15 (1 bis) of annex III to the rules of procedure (see CLCS/100, para. 28).

21. Having considered a request from Norway to defer the presentations to be made by the subcommission and the delegation of Norway until the forty-seventh session, the Commission decided that would resume deliberations on the recommendations at that session.

Item 8
Consideration of the joint submission made by France and South Africa in respect of the area of the Crozet Archipelago and the Prince Edward Islands[8]

Report of the subcommission

22. The Chair of the subcommission, Mr. Njuguna, reported on the progress of its work at the forty-fifth session. During that period, the subcommission had continued the main scientific and technical examination of the submission.

23. At the end of the forty-fifth session, the subcommission transmitted to the joint delegation its views and general conclusions arising from the examination of the joint submission by means of a document prepared on the mutual understanding that it replaced the presentation envisioned under paragraph 10.3 of annex III to the rules of procedure. Before the forty-sixth session, the joint delegation advised that it had decided to decline the invitation to attend the session and that it was in the process of analysing the above-mentioned document and would revert to the subcommission in due course.[9]

24. During the forty-sixth session, the joint delegation reported that, having had the opportunity to analyse the above-mentioned document, it would be in a position to meet with the subcommission at the forty-seventh session. The subcommission decided that its members would resume work on the joint submission, which would include meetings with the delegation, at the forty-seventh session.

25. The meetings of the subcommission during the forty-seventh session will be held from 20 to 24 August 2018.

Communication of the joint delegation addressed to the Commission

26. The Commission took note of a communication dated 22 February 2018 from the Permanent Representative of South Africa to the United Nations, as focal point for the joint delegation, addressed to the Chair of the Commission conveying the views of the joint delegation on general principles of natural prolongation and on the process of consideration of the joint submission.[10]

27. In his reply, the Chair of the Commission stated that, following deliberations about the communication, the Commission had decided that it would examine in detail the scientific and technical aspects of the joint submission following the completion of the work of the subcommission and the presentations envisaged under paragraph 15 (1 bis) of annex III to the rules of procedure. As to the general principles

[8] Submission made on 6 May 2009, see www.un.org/Depts/los/clcs_new/submissions_files/submission_frazaf_34_2009.htm.

[9] In the light of the communication from the joint delegation, the Commission decided that the members of the subcommission should consider another submission in the queue in order to optimize the use of the time allocated for the forty-sixth session (see paras. 91-104 below).

[10] At the request of South Africa, the letter was posted on the website of the Commission at www.un.org/depts/los/clcs_new/submissions_files/submission_frazaf_34_2009.htm.

of natural prolongation, the Chair referred to the provisions that guide its work, inter alia, article 76 of and annex II to the Convention and the Scientific and Technical Guidelines of the Commission.

Item 9
Consideration of the submission made by Kenya[11]

Report of the subcommission

28. The Chair of the subcommission, Mr. Heinesen, reported on the progress of its work from the forty-fifth to the forty-sixth sessions, noting that the subcommission had met from 29 January to 2 February 2018. During that period, it had continued the main scientific and technical examination of the submission.

29. No meetings were held with the delegation. The delegation transmitted a response to the requests from the subcommission for additional data and information. The subcommission subsequently transmitted a communication to the delegation with a summary of its progress in the consideration of the submission and requests for additional clarifications relating to the new data and information.

30. The Chair of the subcommission also reported on certain substantive matters concerning the submission. During the ensuing discussion, members of the Commission provided feedback and the Chair of the subcommission and other members of the subcommission responded to questions.

31. The subcommission decided that it would resume its consideration of the submission, which would include meetings with the delegation, at the forty-seventh session.

32. The meetings of the subcommission during the forty-seventh session will be held from 16 to 27 July 2018.

Communication from the delegation to the Commission

33. The Commission considered a communication dated 2 November 2017 from the Attorney-General of Kenya to the Chair of the Commission, conveying the views of the delegation concerning certain procedural aspects of the examination of the submission. In his reply, the Chair of the Commission conveyed the outcome of the deliberations by the Commission regarding the communication.

Item 10
Consideration of the submission made by Nigeria[12]

Report of the subcommission

34. The Chair of the subcommission, Mr. Mahanjane, reported on the progress of its work from the forty-fifth to the forty-sixth sessions, noting that the subcommission had met from 12 to 23 February 2018. During that period, the subcommission had continued the main scientific and technical examination of the submission.

35. The subcommission held four meetings with the delegation, during which the delegation made two presentations in response to the presentation made by the subcommission at the forty-fifth session. The subcommission provided the delegation

[11] Submission made on 6 May 2009; see www.un.org/Depts/los/clcs_new/submissions_files/submission_ken_35_2009.htm.

[12] Submission made on 7 May 2009; see www.un.org/Depts/los/clcs_new/submissions_files/submission_nga_38_2009.htm.

with preliminary requests relating to the presentations and the delegation subsequently provided the subcommission with responses to those requests. The delegation transmitted a communication with further responses to the views of the subcommission and to the requests for clarification provided by the subcommission at the forty-fifth and forty-sixth sessions. The subcommission subsequently transmitted a communication to the delegation with additional requests for clarification.

36. The Chair of the subcommission also reported on certain substantive matters concerning the submission. During the ensuing discussion, members of the Commission provided feedback and the Chair of the subcommission and other members of the subcommission responded to questions.

37. The subcommission decided that its members would continue to work individually on the submission during the intersessional period and that it would resume its consideration of the submission at the forty-seventh session.

38. The meetings of the subcommission during the forty-seventh session will be held from 13 to 17 August 2018.

Item 11
Consideration of the submission made by Seychelles in respect of the Northern Plateau Region[13]

Consideration of draft recommendations

39. Prior to the forty-sixth session, Seychelles requested the opportunity to make an additional presentation pursuant to paragraph 15 (1 bis) of annex III to the rules of procedure of the Commission, in view of the election of new members of the Commission.[14] Having addressed this matter during the first plenary part of the forty-sixth session, the Commission decided to accommodate the request, on the understanding that the Commission would follow, mutatis mutandis, the modus operandi provided for in paragraph 15 (1 bis) and that the presentation would include no new data or information.

40. On 6 March 2018, Mr. Lyu, one of the Vice-Chairs of the subcommission, reintroduced to the Commission the draft recommendations with regard to the submission made by Seychelles by repeating the presentation delivered by the subcommission at the forty-third session (see CLCS/98, para. 48).

41. On the same day, the delegation of Seychelles made its presentation, repeating the one delivered at the forty-third session (see CCLS/98, paras. 49 and 50). The presentation was made by Michael Rosette, Chair of the Seychelles Continental Shelf Subcommittee and head of the delegation; Beryl Samson, Deputy Permanent Representative of Seychelles to the United Nations; and Patrick Joseph and Francis Coeur de Lion, members of the Seychelles Technical Committee for Extended Continental Shelf Delimitation. The delegation also included a technical adviser.

42. Following the presentation, the Commission continued its considerations in private and identified key issues that required further discussion. The Commission decided to resume its consideration of the recommendations at its forty-seventh session.

[13] Submission made on 7 May 2009, see www.un.org/depts/los/clcs_new/submissions_files/submission_syc_39_2009.htm.

[14] See CLCS/98, paras. 47–51, and CLCS/100, para. 50.

Item 12
Consideration of the submission made by France in respect of Reunion and the Saint-Paul and Amsterdam islands[15]

Report of the subcommission

43. The Chair of the subcommission, Mr. Mosher, reported on the progress of its work from the forty-fifth to the forty-sixth sessions, noting that it had met from 11 to 23 February 2018. During that period, it continued the main scientific and technical examination of the submission.

44. No meetings were held with the delegation. The subcommission examined new data and information supplied by the delegation in response to questions posed by the subcommission during the forty-fifth session. The subcommission subsequently transmitted a communication to the delegation containing additional requests for clarification.

45. The Chair of the subcommission also reported on certain substantive matters concerning the submission. During the ensuing discussion, members of the Commission provided feedback and the subcommission responded to questions.

46. The subcommission decided that its members would continue to work individually on the submission during the intersessional period and that it would resume its consideration of the submission, which would include meetings with the delegation, during the forty-seventh session.

47. The meetings of the subcommission during the forty-seventh session will be held from 13 to 17 August 2018.

Item 13
Consideration of the submission made by Côte d'Ivoire[16]

Report of the subcommission

48. The Chair of the subcommission, Mr. Mahanjane, reported on the progress of its work from the forty-fifth to the forty-sixth sessions, noting that the subcommission had met from 29 January to 2 February 2018. During that period, it continued the main scientific and technical examination of the submission pursuant to section IV of annex III to the rules of procedure of the Commission. That included the re-examination of the test of appurtenance from a foot of the continental slope point that was part of the natural prolongation from the land territory of Côte d'Ivoire in accordance with section III of annex III to the rules of procedure [17] and the consideration of data and information submitted by the delegation during the session.

49. The subcommission held four meetings with the delegation, during which the delegation provided responses to requests for clarification made by the subcommission at the forty-fifth session and the subcommission made a presentation providing its views on the clarifications. Following the meetings, the delegation transmitted additional data and information to the subcommission in response to its request.

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[15] Submission made on 8 May 2009; see www.un.org/depts/los/clcs_new/submissions_files/submission_fra_40_2009.htm.

[16] Submission made on 8 May 2009 and amended on 24 March 2016; see www.un.org/depts/los/clcs_new/submissions_files/submission_civ_42_2009.htm.

[17] See CLCS/101, para. 30.

50. The Chair of the subcommission also reported on certain substantive matters concerning the submission. During the ensuing discussion, members of the Commission provided feedback and the subcommission responded to questions.

51. The subcommission decided that its members would continue to work individually on the submission during the intersessional period and that it would resume its consideration of the submission, which would include meetings with the delegation, during the forty-seventh session.

52. The meetings of the subcommission during the forty-seventh session will be held from 16 to 27 August 2018.

Item 14
Consideration of the submission made by Sri Lanka[18]

Report of the subcommission

53. The Chair of the subcommission, Mr. Yáñez, reported on the progress of its work from the forty-fifth to the forty-sixth sessions, noting that the subcommission met from 29 January to 2 February 2018. During that period, it continued the main scientific and technical examination of the submission.

54. No meetings were held with the delegation. The delegation provided partial responses to requests for clarification made by the subcommission at the forty-fifth session, as well as data and information in response to a request made by the subcommission during the forty-sixth session. The subcommission subsequently transmitted a communication to the delegation with additional requests for clarification based on its consideration of the responses provided by the delegation on pending issues.

55. The subcommission decided that its members would continue to work individually on the submission during the intersessional period and that it would resume its consideration of the submission, which would include meetings with the delegation, at the forty-seventh session.

56. The Chair of the subcommission also reported on certain substantive matters concerning the submission. During the ensuing discussion, members of the Commission provided feedback and the subcommission responded to questions.

57. The meetings of the subcommission during the forty-seventh session will be held from 16 to 27 July 2018.

Item 15
Consideration of the submission made by Portugal[19]

Report of the subcommission

58. The Chair of the subcommission, Ms. De Landro-Clarke, reported on the progress of its work from the forty-fifth to the forty-sixth sessions, noting that the subcommission had met from 26 February to 2 March and from 12 to 16 March. During that period, it continued the main scientific and technical examination of the submission and examined the responses to the queries and requests for clarification made by the subcommission during the forty-fifth session, as well as additional data and information submitted by the delegation during the forty-sixth session.

[18] Submission made on 8 May 2009; see www.un.org/depts/los/clcs_new/submissions_files/submission_lka_43_2009.htm.

[19] Submission made on 11 May 2009; see www.un.org/depts/los/clcs_new/submissions_files/submission_prt_44_2009.htm.

59. The subcommission held two meetings with the delegation, during which the delegation presented its response to the requests for clarification by the subcommission and the subcommission presented its preliminary views on the response. The subcommission subsequently transmitted a communication to the delegation with its preliminary views relating to the submission.

60. The Chair of the subcommission also reported on certain substantive matters concerning the submission. During the ensuing discussion, members of the Commission provided feedback and the subcommission responded to questions.

61. The subcommission decided that its members would continue to work individually on the submission during the intersessional period and that it would resume its consideration of the submission, which would include meetings with the delegation, during the forty-seventh session.

62. The meetings of the subcommission during the forty-seventh session will be held from 30 July to 3 August and from 20 to 24 August 2018.

Item 16
Consideration of other submissions made pursuant to article 76, paragraph 8, of the Convention

Presentation of the partial revised submission made by Brazil

63. The presentation of the partial revised submission of Brazil in respect of the Brazilian equatorial margin was made on 8 February 2018 by Mauro Vieira, Permanent Representative of Brazil to the United Nations, head of delegation; Philip Fox D. Gough, Minister-Counsellor, Permanent Mission of Brazil to the United Nations; and Izabel King Jeck, Geologist, Directorate of Hydrography and Navigation, Brazilian Navy. The delegation also included a number of scientific, technical, naval and legal advisers.

64. In addition to elaborating on substantive points of the submission, Mr. Gough informed the Commission that one of its current members, Mr. Marques, had assisted Brazil by providing scientific and technical advice and that the area of continental shelf covered by the submission was not subject to any disputes.

65. The Commission then continued its meeting in private. Addressing the modalities for the consideration of the submission, and recalling the decision taken at its twenty-sixth session, whereby revised submissions would be considered on a priority basis notwithstanding the queue (see CLCS/68 and Corr.1, para. 57), the Commission decided that, as stipulated in article 5 of annex II to the Convention and in rule 42 of its rules of procedure, the submission would be considered by the subcommission established to consider the submission of Brazil after it had completed its examination of the partial revised submission in respect of the Brazilian Southern Region (see CLCS/90, paras. 13 and 14, and CLCS/100, para. 10 (b)).

Presentation of the partial amended submission made by Palau[20]

66. On 26 October 2017, Palau submitted a partial amended submission in respect of the North Area to the Commission. According to Palau, the information in the partial amended submission replaced all documents and data pertaining to the North Area of the submission originally made by Palau on 8 May 2009.[21]

[20] See partial amended submission made on 26 October 2017, at www.un.org/depts/los/clcs_new/submissions_files/submission_plw_41_2009.htm.

[21] Palau had delivered a presentation in respect of the submission made on 8 May 2009 at the twenty-sixth session of the Commission, on 20 August 2010 (see CLCS/68, paras. 28–31).

67. The presentation of the partial amended submission to the Commission was made on 8 March 2018 by Rebluud Kesolei, Deputy Chief of Staff to the President of Palau and Chair of the Territory and Boundary Task Force, head of delegation; Ramon Rechebei, former Ambassador to the Philippines and Senior Adviser to the President of Palau on Maritime Boundary Issues; Nick Ngwal, Executive Director of the Palau National Marine Sanctuary and Senior Adviser to the President on Maritime Affairs; and David Idip, Senior Technical Adviser to the Territory and Boundary Task Force and Manager of the National Geographic Information System Office. The delegation also included Hersey Kyota, Ambassador to the United States of America, and a number of scientific, technical and legal advisers. The presentation included a pre-recorded video address by Tommy E. Remengesau Jr., President of Palau.

68. In addition to elaborating on substantive points of the submission, Mr. Rechebei stated that the submission of Palau of 8 May 2009 had been made without prejudice to the delimitation with the adjoining countries and that no notes verbales objecting to the submission had been received from the Federated States of Micronesia, Indonesia or Japan. After recalling a note verbale dated 4 August 2009 from the Permanent Mission of the Philippines addressed to the Secretary-General, in which the Philippines had objected to Palau's submission of 8 May 2009, and the note verbale dated 22 July 2010 in which Palau had responded, stating that its submission areas were "submitted without prejudice to the question of delimitation", Mr. Rechebei noted that the Philippines had not filed an objection to the partial amended submission of Palau in respect of the North Area. In that connection, he noted that the objection of the Philippines to Palau's submission of 8 May 2009 could only apply to the West Area, since according to Palau there was no possible connection from the North Area to any part of the 200-mile limit of the Philippines or to any potential claim for a continental shelf of the Philippines. Therefore, he stated, there was no need to further defer the consideration of those parts of the submission, as amended, which related to the North Area.

69. The Commission then continued its meeting in private. Addressing the modalities for the consideration of the submission and in the light of the statements by Palau in connection with the communications, the Commission decided that, as provided for in article 5 of annex II to the Convention and in rule 42 of its rules of procedure, it would proceed with the examination of the partial amended submission in respect of the North Area by way of a subcommission to be established at a future session, taking into account the order of submissions in the queue.

Presentation of the submission made by Canada in respect of the Atlantic Ocean

70. The partial submission of Canada in respect of the Atlantic Ocean was presented on 6 February 2018 by Catherine Blewett, Deputy Minister, Fisheries and Oceans, and head of delegation; Alan Kessel, Assistant Deputy Minister, Global Affairs; and Richard Haworth, Geophysicist, Global Affairs. The delegation also included a number of scientific, technical and legal advisers.

71. In addition to elaborating on substantive points of the submission, Mr. Kessel informed the Commission that one of its current members, Mr. Mosher, had assisted Canada by providing scientific and technical advice.

72. Mr. Kessel also stated that part of the continental shelf region covered by the submission was the object of a known overlap in the Labrador Sea region with an area included in the submission made by Denmark in respect of the shelf west of Greenland. He also noted, regarding the Nova Scotia region, that Canada anticipated a potential overlap should the United States of America make a submission in the same region. In that connection, he drew attention to the fact that the outer limits of the continental shelf

of Canada terminated at a provisional equidistant line with the United States. Mr. Kessel emphasized that the submission did not prejudice matters relating to delimitation of boundaries between Canada and Denmark or between Canada and the United States. He added that both Denmark and the United States had transmitted to the Secretary-General communications in which they stated that they did not object to the examination of the Canadian submission by the Commission. Mr. Kessel also stated that Canada had a dispute with France regarding the latter's submission in respect of Saint-Pierre-et-Miquelon, as reflected in the notes verbales addressed to the Secretary-General by Canada on 3 September 2014 and by France on 17 December 2014.That dispute concerned an overlap with respect to a portion of the Nova Scotia region included in the Canadian submission. In that connection, Mr. Kessel underscored that Canada was ready to cooperate with the Commission to identify that portion with precision.

73. The Commission then continued its meeting in private. Addressing the modalities for the consideration of the submission, the Commission took note of the notes verbales from Denmark, dated 6 January 2014, Canada, dated 3 September 2014, the United States, dated 12 November 2014, and France, dated 17 December 2014, and the views expressed in the presentation by the delegation in connection with the communications. The Commission decided that it would revert to further consideration of the submission and the communications when the submission was next in line for consideration as queued in the order in which it had been received. The Commission would take into consideration any further developments that might occur in the intervening period, during which States might wish to take advantage of the avenues available to them, including provisional arrangements of a practical nature, as set out in article 83, paragraph 3, of the Convention and implemented through relevant provisions of annex I to the rules of procedure.

Presentation of the submission made by Oman[22]

74. The submission of Oman was presented on 5 March 2018 by Mohamed bin Ahmed bin Salim Alfutaisi, Minister of Transport and Communications, head of delegation, and Colonel Thani bin Harith bin Nasser al-Mahrouqi, head of hydrography, Royal Navy of Oman. The delegation also included Salim bin Abdallah bin Rashid al-Aalawi, Head of Office of the Continental Shelf and Maritime Affairs and deputy head of delegation; Sheikh Khalifa bin Ali bin Issa al-Harthy, Permanent Representative of to the United Nations, and a number of scientific, technical and legal advisers.

75. In addition to elaborating on substantive points of the submission, Mr. Al-Mahrouqi informed the Commission that one of its current members, Mr. Al-Azri, had assisted Oman by providing scientific and technical advice.

76. Mr. Al-Mahrouqi also stated that the area of continental shelf covered by the submission was not subject to any disputes and that no notes verbales had been received from other States.

77. The Commission then continued its meeting in private. Addressing the modalities for the consideration of the submission, the Commission decided that, as provided for in article 5 of annex II to the Convention and in rule 42 of its rules of procedure, the submission would be addressed by a subcommission to be established at a future session in accordance with rule 51, paragraph 4 ter, of the rules of procedure. The Commission also decided to revert to the consideration of the submission, as well as any notes verbales that might be received in the future, at the plenary level when the submission was next in line for consideration as queued in the order in which it was received.

[22] See submission made on 26 October 2017, at www.un.org/depts/los/clcs_new/submissions_files/submission_omn_78_2017.htm.

Item 17
Report of the Chair of the Committee on Confidentiality

Referral of a matter to the Committee

78. At the forty-third session, the Commission was informed that the Chair had received a note by the secretariat concerning access by some members to data and information that submitting States had classified as confidential, pursuant to annex II to the rules of procedure of the Commission. The Commission requested that the Chair address the matter with the members concerned and report to the Commission at its forty-fourth session (see CLCS/98, para. 80).

79. At the forty-fourth session, following the report by the Chair, the Commission decided that the matter should be referred to the Committee on Confidentiality in accordance with the rules of procedure of the Commission (see CLCS/100, para. 84).

Report by the Chair of the Committee

80. The Chair of the Committee on Confidentiality, Mr. Mahanjane, reported that, at the forty-fifth session, the Committee had met and established an investigating body comprising all five of its members. That body had held meetings and prepared a report providing information on the investigation carried out by it, including its conclusions. The Committee had endorsed the report of its investigating body by consensus on 31 January 2018.

Deliberations of the Commission on the matter

81. The Commission took note of the report of the Committee on Confidentiality and expressed its appreciation to the Chair and members of the Committee for their work.

82. In the light of that report, the Commission requested the Chair of the Commission to address letters to the persons named in the report with a view, inter alia, to informing them of the findings of the Committee on Confidentiality and inviting them to provide within seven working days any additional written statement(s) for the consideration of the Commission, should they wish to do so. The Commission also requested the Chair of the Commission to inform the coastal States concerned of the access by some members to data and information that they had classified as confidential. The Chair informed the Commission that he had undertaken those actions during the present session and the Commission took note of that information.

83. Continuing its consideration of the matter, the Commission addressed each case referred to in the report separately. Owing to the insufficient time available at the session, the Commission, taking into consideration the report of the Committee of Confidentiality, as well as all relevant information regarding the circumstances in which the alleged access had taken place, decided to continue its deliberations on the matter at the next session.

84. The Commission decided to recommend that the States Parties take note of the information presented in the statement of the Chair concerning the actions taken so far by the Commission in its consideration of the matter.

Item 18
Report of the Chair of the Scientific and Technical Advice Committee

85. In the context of the deliberations concerning communications received from submitting States, the Commission concluded that issues of a scientific and technical nature would be discussed at a time to be determined and requested the Scientific and Technical Advice Committee to identify those issues or relevant topics and the format in which they should be considered.

86. Subsequently, the Committee held one meeting. The Committee will present its report concerning the meeting at the forty-seventh session.

Item 19
Other matters

Communication dated 27 November 2017 from Papua New Guinea

87. On 27 November 2017, Papua New Guinea, focal point for the joint delegation of the Federated States of Micronesia, Papua New Guinea and Solomon Islands concerning the joint submission made by the three States in respect of the Ontong Java Plateau on 5 May 2009,[23] addressed a communication to the Commission requesting clarifications concerning the recommendations in respect of the joint submission approved by the Commission on 17 March 2017.

88. The Commission took note of the communication and the views expressed therein. In its reply, the Commission, inter alia, referred to paragraph 11(3) of annex III to the rules of procedure of the Commission, whereby the Secretary-General shall make public the summary of the recommendations upon their approval by the Commission, emphasizing that the only concern in that regard was to avoid including data and information of a confidential or proprietary nature in the public domain. For that purpose, submitting States were routinely requested to verify that no such data were included in the summary.

Establishment of subcommissions

89. During the first plenary part of the session, in order to optimize the use of the time allocated to the session, the Commission decided to proceed with the establishment of a new subcommission (see footnote 9 above).

90. In accordance with its practice, the Commission reviewed the submissions next in line as queued in the order in which they had been received, namely the submissions made by Brazil in respect of the Brazilian equatorial margin (partial revised submission); Myanmar; Yemen in respect of south-east of Socotra Island; the United Kingdom of Great Britain and Northern Ireland in respect of the Hatton-Rockall area; Ireland in respect of the Hatton-Rockall area; Fiji; Malaysia and Viet Nam jointly in respect of the southern part of the South China Sea; Viet Nam in respect of the North Area; and Palau.

91. With regard to the partial revised submission made by Brazil in respect of the Brazilian equatorial margin, the subcommission established to consider the submission of Brazil would take it up once it had completed its current work (see para. 65 above). For the other submissions listed above, the Commission noted that no communication that would have enabled the Commission to proceed with the

[23] See submission made on 5 May 2009, at www.un.org/depts/los/clcs_new/submissions_files/submission_fmpgsb_32_2009.htm

consideration of any of those submissions had been received. The Commission decided that it would review the situation again at the time of the establishment of a new subcommission (see CLCS/76, paras. 22–24).

92. Moving on to the next submission in the queue, namely the submission made by the United Kingdom of Great Britain and Northern Ireland in respect of the Falkland Islands and of South Georgia and the South Sandwich Islands, the Commission recalled the decision taken at its twenty-fifth session that it was not in a position to consider and qualify the submission (see CLCS/66, para. 60).

93. The Commission then proceeded with the consideration of the next submission, namely the partial submission made by Tonga in respect of the eastern part of the Kermadec Ridge, and decided to establish a subcommission to consider it.[24] In doing so, the Commission took note of one relevant communication.

94. The Commission appointed Messrs. Campos, Lyu, Mahanjane, Marques, Mazurowski, Njuguna and Paterlini as members of the subcommission.

95. The subcommission elected Mr. Campos as Chair and Messrs. Marques and Mazurowski as Vice-Chairs.

Consideration of the submission made by Tonga in respect of the eastern part of the Kermadec Ridge

96. The Chair of the subcommission, Mr. Campos, reported on the progress of its work at the forty-sixth session. The subcommission, meeting from 26 February to 2 March and from 12 to 16 March 2018, had conducted the initial examination of the submission pursuant to section III of annex III to the rules of procedure of the Commission.

97. No meetings had been held with the delegation. The subcommission had verified the format and completeness of the submission. In addition, it had completed the preliminary analysis of the submission, deciding, among other things, that it was not necessary at that stage to recommend seeking cooperation with competent international organizations, in accordance with rule 56 of the rules of procedure of the Commission, or advice by specialists, in accordance with rule 57.

98. The subcommission had concluded that Tonga met the test of appurtenance and that further time would be required to examine all the data and prepare recommendations for transmittal to the Commission.

99. Subsequently, the subcommission had commenced the main scientific and technical examination of the submission and transmitted several requests for clarifications and additional data and information to the delegation.

100. The Chair of the subcommission also reported on certain substantive matters concerning the submission.

101. The subcommission had decided that its members would continue to work individually on the submission during the intersessional period and that it would resume its consideration of the submission, which would include meetings with the delegation, at the forty-seventh session.

102. The Commission decided that the meetings of the subcommission during the forty-seventh session would be held from 30 July to 3 August 2018.

[24] Submission made on 11 May 2009; see www.un.org/depts/los/clcs_new/submissions_files/submission_ton_46_2009.htm.

Future sessions of the Commission

103. The Commission noted that the General Assembly, in its resolution 72/73, had approved the convening of the forty-seventh session of the Commission from 16 July to 31 August 2018 and the forty-eighth session from 15 October to 30 November 2018, with the plenary parts of the forty-seventh session to be held from 6 to 10 August and from 27 to 31 August 2018.

Statement of Understanding

104. The Commission noted with appreciation the two half-day workshops held during the forty-fifth session, as decided at the forty-fourth session (see CLCS/100, para. 90), to allow members to discuss the application of various elements of the Statement of Understanding Concerning a Specific Method to be Used in Establishing the Outer Edge of the Continental Margin annexed to the Final Act of the Third United Nations Conference on the Law of the Sea.

Trust funds

105. The Commission was informed by the secretariat about the status of the voluntary trust fund for the purpose of defraying the cost of the participation of the members of the Commission from developing States in its meetings. Since the forty-fifth session, contributions had been received from China, Japan, Portugal and the Republic of Korea. As at 28 February 2018, the trust fund had an approximate balance of $466,000.

106. For the current session, financial assistance had been provided to seven members of the Commission from developing States, for an estimated total of $140,000. The funding requirements for the forty-seventh session were estimated at $150,000.

107. The secretariat also noted that, pursuant to paragraph 96 of General Assembly resolution 71/257, following the allocation of the required funds to cover the costs of travel and daily subsistence allowance of the members of the Commission from developing States for the sessions of the Commission in 2018, the Secretary-General had been able to reimburse those members for the costs of medical travel insurance from the trust fund on a session-by-session basis.

108. With regard to the voluntary trust fund for the purpose of facilitating the preparation of submissions to the Commission for developing States, in particular the least developed countries and small island developing States, and compliance with article 76 of the United Nations Convention on the Law of the Sea, the secretariat reported that, as at 28 February 2018, the trust fund had a balance of approximately $1,122,000. Three States had received assistance from the trust fund to participate in meetings with the Commission and its subcommissions during the current session.

Working group on issues raised at the twenty-seventh meeting of the Meeting of States Parties

109. At the forty-fourth session, the Commission established a working group to consider the issues raised during the twenty-seventh meeting of the Meeting of States Parties and formulate proposals (see CLCS/100, para. 82). The Coordinator of the working group, Mr. Awosika, informed the Commission on the progress of its work.

110. The Commission considered the report and decided that the contents of the report would be included in the letter from the Chair of the Commission to the President of the twenty-eighth meeting of the Meeting of States Parties to the Convention (to be issued as SPLOS/319).

Acknowledgements

111. The Commission noted with appreciation and gratitude the high standard of secretariat services rendered to it by the Division for Ocean Affairs and the Law of the Sea.

112. The Commission expressed its appreciation to other members of the secretariat for the assistance that they had provided to the Commission and noted, in particular, the high professional standard of interpretation in the official languages of the United Nations and the assistance provided by the conference officers.